

REMARKS

Claims 1 - 3 are pending. Claims 1-3 have been amended. No new matter has been introduced. Reexamination and reconsideration of the application are respectfully requested.

In the July 3, 2006 Office Action, the Examiner rejected claims 1-3 under 35 U.S.C. § 112, second paragraph as being incomplete for omitting essential elements. The Examiner rejected claims 1-3 under 35 U.S.C. § 112, second paragraph as being indefinite. Applicant has amended claims 1-3 in view of the Examiner's comments. Accordingly, Applicant respectfully submits that the claims are complete and definite, and the rejection should be withdrawn.

The Examiner rejected claims 1 and 3 under 35 U.S.C. § 103 (a) as being unpatentable over Maeda et al., U.S. Patent No. 5,764,607 (hereinafter Maeda) in view of Fukuda, U.S. Patent No. 6,469,239 (hereinafter Fukuda) and Berstis et al., U.S. Patent No. 6,282,653 (hereinafter Berstis). The Examiner rejected claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Maeda in view of Fukuda and Berstis and further in view of Shitara et al., U.S. Patent No. 6,434,103 (hereinafter Shitara). Applicant respectfully traverses the rejections in view of the claims as amended.

**Independent claim 1, as amended, now recites:**

A digital-audio-signal recording apparatus, comprising:  
a storage section storing digital audio data;  
a write section that writes data on a disk-shaped storage medium; and  
*a control section that, when a write operation is to be performed by said write section for writing the digital audio data, stored on said storage section, to the disk-shaped medium, first performs control such that the digital audio data stored on said storage section cannot be accessed by a data retrieval operation other than said write operation, then causes said write section to write the digital audio data to the disk-shaped storage medium, and then erases the digital audio data from said storage section after completion of the writing of the digital audio data to the disk-shaped storage medium, wherein file management information on said storage section corresponding to said written digital audio data is updated to reflect the write operation performed.*

The Maeda reference does not disclose teach or suggest the apparatus specified in independent claim 1, as amended. As the Examiner has acknowledged, Meada does not teach a control section that “erases the digital audio data from said storage section after completion of writing of the digital audio data to the disk-shaped storage medium” and “wherein file management information on said storage section corresponding to said written digital audio data is updated to reflect the write operation performed.”

In addition, unlike the apparatus specified in claim 1, Maeda does not teach an apparatus wherein *“first performs control such that the digital audio data stored on said storage section cannot be accessed by a data retrieval operation other than said write operation.”* Instead Maeda is directed to a disk recording apparatus using an erasable disk. Maeda discloses erasing the original digital copying management information in S35 to S37 in the disk to be copied from, then performing the digital copying in S38 - S44. The TOC is then rewritten after the music data has been copied. (*Maeda, col. 6, lines 14-21, col. 8, lines 24-33, col. 9, lines 15 – 21, and Table 2-4*). Management information stored on a magneto-optical disk 22 of one unit (A) is loaded into a loading mechanism of a second unit (B) for copying. The management information includes music identification information including a music number, a start address and an end address. After a copy operation has been executed the music number is erased. While the presence of the management information may provide some indication that the corresponding music has not been erased, Maeda does not disclose, teach, or suggest a control section that performs a control to prevent retrieval of the stored digital audio data. As such, the digital audio data could be accessed. Therefore, Maeda fails to teach, suggest or disclose an apparatus having a control section which *“first performs control such that the digital audio data stored on said storage section cannot be accessed by a data retrieval operation other than said write operation.”*

Accordingly, Applicant respectfully submits that independent claim 1, as amended distinguishes over Maeda.

The Fukada reference does not make up for the deficiencies of the Maeda. The Fukada reference discloses the starting of transferring of music data from a music server 50 to a portable recording and reproducing apparatus 70. The reproduction of the compression music data which has already been transferred to the apparatus is inhibited. The Fukada reference discloses that a reproduction inhibition flag, indicative of the inhibition of the reproduction set, is set to a high level at a time point of the completion of the move of the music to the reproducing apparatus 70. (*Fukuda, col. 18, line 64 - col. 18, line 17*). However, the combination of Maeda and Fukada does not disclose, teach or suggest an apparatus having a control section which ***“first performs control such that the digital audio data stored on said storage section cannot be accessed by a data retrieval operation other than said write operation.”*** Accordingly, Applicant respectfully submits that independent claim 1, as amended distinguishes over Maeda in combination with Fukada.

The Berstis reference does not make up for the deficiencies of Maeda and Fukada. The Berstis reference is directed to a royalty collection system. (*Berstis; Col. 1, lines 6-9*) Berstis discloses a method which counts the number of permitted copies of a digital file. (*Berstis; Col. 8, lines 56-64*) However, However, the combination of Maeda, Fukada, and Berstis does not disclose, teach or suggest an apparatus having a control section which ***“first performs control such that the digital audio data stored on said storage section cannot be accessed by a data retrieval operation other than said write operation.”*** Accordingly, Applicant respectfully submits that independent claim 1, as amended distinguishes over Maeda in combination with Fukada and Berstis.

Independent claim 2 recites limitations similar to those in independent claim 1, as amended. Accordingly, Applicant respectfully submits that claim 2 distinguishes over Maeda in combination with Fukada and Berstis for reasons similar to those set forth above with respect to claim 1.

With respect to claim 2, the Shitara reference does not make up for the deficiencies of the Maeda, Fukada and Berstis. Shitara discloses that when an invalidity flag is turned on in an associated index pointer in an additional information file, additional information associated with a deleted data file is erased. (*Shitara; Col. 30, lines 15-20*) However, the combination of Maeda, Fukada, Berstis, and Shitara does not disclose, teach or suggest an apparatus having a control section which ***“first performs control such that the digital audio data stored on said storage section cannot be accessed by a data retrieval operation other than said write operation.”*** Accordingly, Applicant respectfully submits that claim 2 distinguishes over Maeda in combination with Fukada and Shitara.

**Independent claim 3, as amended now recites:**

A digital-audio-signal recording apparatus, comprising:  
a storage section storing digital audio data;  
a write section that writes data on a disk-shaped storage medium;  
***a control section that, when a write operation is to be performed by said write section for writing the digital audio data, stored on said storage section, to the disk-shaped medium, first evaluates the status of an erasure state flag and if the erasure state flag is not indicative of an erased state, sets the erasure state flag within file management information to the erased state without erasing the file management information on said storage section, such that the digital audio data stored on said storage section cannot be retrieved by any processing operation other than said write operation, then causes said write section to write the digital audio data to the disk-shaped storage medium, and then erases the digital audio data from said storage section after completion of the writing of the digital audio data to the disk-shaped storage medium, the file management information on said storage section corresponding to the written digital audio data being updated to reflect the write operation performed.***

The Maeda reference does not disclose teach or suggest the apparatus specified in

independent claim 3, as amended. As the Examiner has acknowledged, Meada does not teach a control section that “erases the digital audio data from said storage section after completion of writing of the digital audio data to the disk-shaped storage medium” and “wherein file management information on said storage section corresponding to said written digital audio data is updated to reflect the write operation performed.”

In addition, unlike the apparatus specified in claim 1, Maeda does not teach an apparatus having *“a control section that, when a write operation is to be performed by said write section for writing the digital audio data, stored on said storage section, to the disk-shaped medium, first evaluates the status of an erasure state flag and if the erasure state flag is not indicative of an erased state, sets the erasure state flag within file management information to the erased state without erasing the file management information on said storage section, such that the digital audio data stored on said storage section cannot be retrieved by any processing operation other than said write operation.”* Accordingly, Applicant respectfully submits that independent claim 1, as amended distinguishes over Maeda.

The Fukuda reference does not make up for the deficiencies of the Maeda. The Fukuda reference discloses that a reproduction inhibition flag, indicative of the inhibition of the reproduction set, is set to a high level **at a time point of the completion** of the move of the music to the reproducing apparatus 70. (*Fukuda, col. 18, line 64 - col. 18, line 17*). However, the combination of Maeda and Fukuda does not disclose, teach or suggest an apparatus having a *“a control section that, when a write operation is to be performed by said write section for writing the digital audio data, stored on said storage section, to the disk-shaped medium, first evaluates the status of an erasure state flag and if the erasure state flag is not indicative of an erased state, sets the erasure state flag within file management information to the erased state*

without erasing the file management information on said storage section, such that the *digital audio data stored on said storage section cannot be retrieved by any processing operation other than said write operation.*” Accordingly, Applicant respectfully submits that independent claim 1, as amended distinguishes over Maeda in combination with Fukada.

The Berstis reference does not make up for the deficiencies of Maeda and Fukada. As indicated above, Berstis discloses a method which counts the number of permitted copies of a digital file. (*Berstis; Col. 8, lines 56-64*) However, However, the combination of Maeda, Fukada, and Berstis does not disclose, teach or suggest an apparatus having “*a control section that, when a write operation is to be performed by said write section for writing the digital audio data, stored on said storage section, to the disk-shaped medium, first evaluates the status of an erasure state flag and if the erasure state flag is not indicative of an erased state, sets the erasure state flag within file management information to the erased state* without erasing the file management information on said storage section, such that the *digital audio data stored on said storage section cannot be retrieved by any processing operation other than said write operation.*” Accordingly, Applicant respectfully submits that independent claim 1, as amended distinguishes over Maeda in combination with Fukada and Berstis.

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Applicant believes that the claims are in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

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